IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

FIRST APPEAL NO.2237 OF 2006

The State of Maharashtra Appellant
vs.
Sitabai D. Padyar Respondents

Mrs.P.H.Kantharia, AGP for the appellant.

CORAM : ANOOP V. MOHTA,J.

DATED : 31st July, 2007

P.C.

The State Government has challenged the impugned order whereby the Civil Judge, S.D. Ratnagiri on reference granted additional enhanced compensation of Rs.6,000/- in lumpsum with interest at the rate of 9% from the date of the notification. The reasoning given in paras 7 and 8 cannot be said to be perverse or contrary to law. Those are as under:

"7. So far as evidence regarding the compensation in respect of costs of land is concern, there is no serious challenge except the suggestion that the rate fixed by the referee was just, legal and proper and claimant's claim is exhaurbitent. So far as this claim in respect of costs of land is concern, I find it justifiable as the S.L.A.O. himself in its comparative transaction disclosed at Sr.Nos. 3 and 12 the per Are rate Rs.964/-

and Rs.972/-, respectively. The S.L.A.O. in the award itself has disclosed that the costs of the land is increasing day by day. Ratnagiri city being very near to it, the land has got the marketable value. It is convenient to Horticulture use because it is on the bank of river and by the side of the road. I have, therefore, no hesitation to hold without differentiating the quality of land that the claimant deserves to get excess compensation at the rate of Rs.1,000/- per are which can be worked out to Rs.6,000/-.

8. Mr.Bhosale the learned counsel for the claimant by placing certified copy of L.R.No.49/94 which is in respect of the same notification contended that this Court in the said case has accepted the claimant's clam of costs of land at the enhanced rate of Rs.1,000/- per Are. The said judgement being under the same acquisition proceeding, it has to be taken into consideration and same criteria is needs to be applied. In the said case this Court had granted the compensation in respect of costs of land at the rate of Rs.1000/- per Are additionally and, hence, the same criteria being applicable I feel that the claim of excess compensation of Rs.6,000/- forwarded by claimant is reasonable."

2. Apart from this, I am not inclined to interfere with

the order also on the ground that the enhanced compensation is of Rs.6000/- only. For such amount, there is no point in considering the case of the appellant.

3. The appeal is accordingly dismissed. No costs.

[ANOOP V. MOHTA,J.]